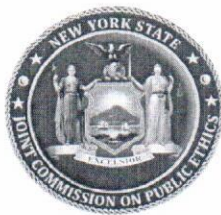


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## Application Requesting an Exemption from Source of Funding Disclosure Requirements

The regulations governing a Client Filer's obligation to disclose sources of funding are contained in 19 NYCRR Part 938. These regulations provide that a Client Filer may seek an exemption from the source of funding disclosure requirements. Part 938.4 sets forth the applicable standards upon which an exemption shall be granted by the Joint Commission on Public Ethics. In addition to completing this form, please review the procedures to apply for an exemption in Part 938.5.

### ALL CLIENT FILERS SEEKING AN EXEMPTION TO THE SOURCE OF FUNDING DISCLOSURE OBLIGATIONS MUST FILL OUT THIS FORM.

Name of Client Filer Requesting Exemption: SAM Action

Name of Individual Authorized to File Request: Luke Niforatos

Title: Chief of Staff & Sr. Policy Advisor

Telephone number: 703-300-0589

Address: 400 N Columbus Street

City: Alexandria

State: VA

Zip: 22314

E-Mail address: Luke@learnaboutsam.org

Please indicate, by placing a check mark next to (A) or (B), the applicable section of Part 938 under which you are seeking an exemption:

☐

- A. Client Filer is seeking an exemption for a Source, Sources, or class of Sources pursuant to 19 NYCRR Part 938.4(a), which requires a showing that disclosure of the Source [or Sources] may cause harm, threats, harassment or reprisals to the Source or individuals or property affiliated with the Source [or Sources].

☒

- B. Client Filer is an IRC §501(c)(4) organization seeking an exemption from disclosing all Sources pursuant to 19 NYCRR Part 938.4(b), which requires a showing that the Client Filer's "primary activities involve areas of public concern that create a substantial likelihood that disclosure of its Sources will cause harm, threats, harassment or reprisals to the Sources or individuals or property affiliated with the Sources."

OR

**All** Client Filers must submit, *with this form*, a letter addressed to the Commission requesting an exemption and setting forth in detail why the applicable regulatory standard (19 NYCRR Part 938.4(a) or (b)) has been met. **NOTE:** the Commission will consider the factors set forth in 19 NYCRR Part 938.4(c) to determine whether an exemption should be granted.

- All information in support of the exemption request must be submitted together with the letter.
- The letter must also contain the following signed declaration: "I declare that the information contained in this application is true, correct, and complete to the best of my knowledge and belief."

*All information submitted in support of an exemption will be made publicly available and discussed in the Public Session of the Commission's meeting. The only exception to this rule is information for which the Commission has granted a Client Filer's request for confidential treatment.*

Mail the completed form to the:

NYS Joint Commission on Public Ethics \* 540 Broadway \* Albany, NY 12207

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## IMPORTANT INFORMATION FOR CLIENT FILERS SEEKING CONFIDENTIAL TREATMENT OF INFORMATION SUBMITTED IN SUPPORT OF AN EXEMPTION

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*Pursuant to 19 NYCRR Part 938.7, a request for confidential treatment of information may only be granted by the Commission upon a showing of particular circumstances, such as when the information would reveal an ongoing investigation by a governmental body that has not been made public, or information that, if revealed, would constitute an unwarranted invasion of personal privacy.*

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- ☐ Please indicate if the Client Filer is requesting, pursuant to 19 NYCRR Part 938.7, that specific information submitted in support of the exemption be treated as confidential.

### Procedure for a Client Filer Requesting Confidential Treatment of Certain Information.

1. In a separate letter, indicate precisely what material is the subject of the confidentiality request and set forth, in detail, why such material is entitled to be treated as confidential pursuant to Part 938.7.
2. Provide two copies of the material for which confidentiality is requested.
  - One copy of the material must be in an un-redacted form.
  - The second copy of the material must include any proposed redactions. The redacted version of the material is the version that, should the Commission grant the confidentiality request, will be made publicly available (together with the material for which no confidential treatment has been requested).

Generally, proposed redactions should only include personal information which, because of a name, number, symbol, mark or other identifier, can be used to identify a person, such as an address, telephone number, birth date, or social security number. If the Client Filer is unable to submit a redacted version that adequately preserves the requested confidentiality, provide a detailed explanation setting forth the reasons why the material in its entirety should remain confidential.

### Impact of a Grant or Denial by the Commission of a Confidentiality Request.

If the Commission *grants* the confidentiality request, the material that is the subject of the request will be considered by the Commission in an Executive Session that is closed to the public. All other material, and the Client Filer's application for an exemption from the source of funding disclosure requirements as a whole, will be made publicly available and considered by the Commission in a Public Session.

If the Commission *denies* the confidentiality request, the Client Filer has two options. Indicate below whether the Client Filer elects Option A or Option B (*choose only one*):

- ☐ (A) The material that is the subject of the confidentiality request that was rejected by the Commission will remain confidential and will not be considered by the Commission when evaluating the application for exemption.

OR

- ☐ (B) The material that is the subject of the confidentiality request that was rejected by the Commission will be made *publicly available, in an un-redacted and complete form (or with redactions made by the Commission in its discretion)*, and will be considered by the Commission in the Public Session when evaluating the application for an exemption.

#### Mail the completed form to the:

NYS Joint Commission on Public Ethics  
540 Broadway  
Albany, NY 12207



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SAM Action  
400 N Columbus Street  
Suite 202  
Alexandria, VA 22314

August 1, 2019

NYS Joint Commission on Public Ethics  
540 Broadway  
Albany, NY 12207

Re: Request for Exemption to Source of Funding Section on JCOPE Semi-Annual Filing

Dear Members of the Joint Commission on Public Ethics:

SAM Action is a federally recognized 501(c)(4) organization with a mission to educate citizens on the science of marijuana and to promote health-first, safe policies and attitudes that decrease marijuana use and its consequences. Our work is primarily focused on educating the public and policy-makers alike on the harms of marijuana use and marijuana commercialization, and the importance of science-based drug policy. We receive no funding from the alcohol, tobacco, opioid, or the prison industries. We are a policy-focused organization with no pecuniary or regulatory interest associated with marijuana legalization.

SAM Action's primary source of funding is from individuals and families, many of whom have seen the negative consequences of marijuana first-hand, as well as other supporters who have given to promote responsible public policy with the expectation of privacy provided under the federal tax code associated with our 501(c)(4) status. It is for this reason that we request the Commission respect the privacy of our individual donors. Their support of SAM Action is motivated by the potential harm that may be brought upon others because of recreational drug use, not personal financial gain.

SAM Action is seeking an exemption from all sources, pursuant to 19 NYCRR Part 938.4(b), which states, the Commission shall grant an exemption to disclose all Sources of Contributions to a Client Filer, if:

- (1) The Client has exempt status under I.R.S section 501(c)(4); and
- (2) The Client Filer shows that its primary activities involve areas of public concern that create a substantial likelihood that disclosure of its Source(s) will cause harm, threats, harassment or reprisals to the Source(s) or individuals or property affiliated with the Source(s). Factors the Commission will consider when determining whether this showing has been made include, but are not limited to, the factors identified in paragraphs (a)(1)-(5) of this section.

Accordingly, SAM Action satisfies the factors requiring an exemption as it (1) has exempt status under I.R.S. section 501(c)(4); and (2) its primary activities involve marijuana

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legalization, an area of public concern; and, disclosure will result in a substantial likelihood of harm to the organization and its Source(s).

With respect to harm to the organization and its Sources(s), SAM Action warrants an exemption, specifically, pursuant to 938.4 (5) which states, "The impact of disclosure on the ability of the Source(s) or Client Filer to maintain ordinary business operations and the extent of resulting economic harm."

SAM Action is often the subject of harassment in opinion pieces, podcasts, and social media. Our staff receive harassing phone calls and other communications at the office. The following email was addressed to me and is indicative of what our donors will expect if their identities are made public. Individuals that oppose recreational marijuana are similarly and continuously ridiculed in the press.

*In 1937, the alcoholic Republican Nazi thugs criminalized marijuana to justify the unconstitutional arrest, incarceration and anal-rape in prison of African-Americans and Hispanics.*

*In 2016, over 750,000 American Citizens were arrested for simple marijuana possession and anal-raped in prison because of beer-drinking racist Republicans addicted to Ambien and prescription drugs.*

*In 2018, WE THE PEOPLE will VOTE to legalize marijuana at the Federal Level and dismantle the racism, bigotry and oppression of Alcoholic Republican Nazi thugs in New Jersey and across America.*

*God bless America, God bless Liberty..!*

SAM Action is a national grassroots organization that receives most of its donations from individuals and families, many of whom, as was previously detailed, have been touched by addiction and those who wish to prevent other families from experiencing the pain and suffering that comes with substance abuse. We do not present the concerns associated with faceless deep-pocketed corporate interests. Although we are seeking an exemption with respect to all sources, our concern is exclusively for individual donors. We do not have an issue with the disclosure of entities. We, however, rarely receive contributions from non-individual sources.

As one would imagine, donations to SAM Action are given under the assumption, and often at the request, of anonymity. Similarly, not having any pecuniary interests in the outcome of our efforts, our donors are not primarily concerned with any particular jurisdiction. As such, donations to SAM Action are not earmarked for any specific state, nor are funds segregated for the purpose of New York, or any other advocacy effort.

Our activities do not require disclosure in any other state or jurisdiction where we are engaged. If we are not granted an exemption, disclosure, in the age of the internet, will compromise the privacy of our individual donors on a national scale.



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Thrusting our donors into the public spotlight will have an immediate and substantial chilling effect on those that support our purpose. Donors with personal stories of addiction, even those not disclosed in this filing, will be less likely to give when they see the risk of publicity. Those who gave on strict terms of confidentiality will frown upon this betrayal of that confidence. Leadership within our organization faces near-daily harassment through written communication, especially on online social media platforms, which we accept because of our public persona. However, these donors should not bear the same burden, especially when, for some, it will serve as a constant reminder of painful personal circumstances. This chilling effect will unduly burden our ability to raise funds, injuring our efforts in New York, as well as in other states. Therefore, if we are unable to maintain and assure confidentiality of our individual donors, SAM Action will experience significant economic harm, jeopardizing our ability to pursue the mission of our 501(c)(4) organization, here in New York and beyond.

We are hopeful that JCOPE appreciates the need to maintain and protect the privacy of these individuals and families.

Thank you in advance for your consideration.

I declare that the information contained in this application is true, correct, and complete to the best of my knowledge and belief.

Sincerely,



Luke Dean Niforatos  
Chief of Staff & Sr. Policy Advisor  
Smart Approaches to Marijuana